

Testimony on SB 120

Chairman Gebhardt, members of the Committee. I am Mark Fix and I am a rancher and irrigator about 20 miles Southwest of Miles City on the Tongue River. I am also past chair of the Northern Plains Resource Council. Northern Plains organizes Montana citizens to protect water, family farms and ranches and the lifestyle we all love in Montana. We are testifying in opposition to this bill.

I am in the Powder River Controlled Groundwater Area created for Coal Bed Methane (CBM) development. This is the biggest controlled groundwater area in the state and extends from the Wyoming border to my ranch 20 miles from Miles City. The area was created by DNRC, but several landowners petitioned in favor of the area when it was created. We are looking at potentially 18,000 CBM wells being drilled in our groundwater area. Wells will be drilled into as many as 5 different aquifers. Senior water rights holders will be affected.

One of the problems with the bill is that it takes away the right of the public to petition for a controlled groundwater area. We believe that citizens should have an active part in government and taking away this option excludes the public. The existing controlled groundwater area is too big and citizens may need to petition to make it smaller so it is more manageable.

It seems that the controlled groundwater area was started to protect the groundwater, but in the interim it has protected the CBM developers. Water is being taken from usable aquifers and landowners are given agreements to provide them with water for one or two years. This does not protect the senior water right holder. In the meantime water is being discharged untreated into the Tongue and the salinity has almost tripled in the Tongue River Reservoir from the discharges in Montana and Wyoming. One of the irrigators on the Tongue has taken over \$250,000 of damages last year alone. The system needs to be fixed but this bill does not fix it.

This bill also gets rid of the groundwater supervisor. A groundwater supervisor may be the only way to keep track of the water and protect senior water rights holders. We feel that a groundwater supervisor may be a way to get a handle on all of the water depletion in the Powder River Controlled groundwater area. The Technical Advisory committee was created to monitor the groundwater, but they were not given any power, so they are only monitoring what is happening and are not doing anything to protect the aquifers. Senior water rights holders are being ignored.

This bill removes preferences for domestic and livestock withdrawals. In most cases these are the uses that are the senior water rights holders and their rights need to be protected.

There is constantly more pressure being put on our water, but we need to protect the water users that have senior water rights and give out fewer new water rights. With the advent of new developments the water systems are being strained and the new water users need to work with the existing water rights holders and determine if they can share the water with the senior water rights holders. In some areas there may not be any water available.

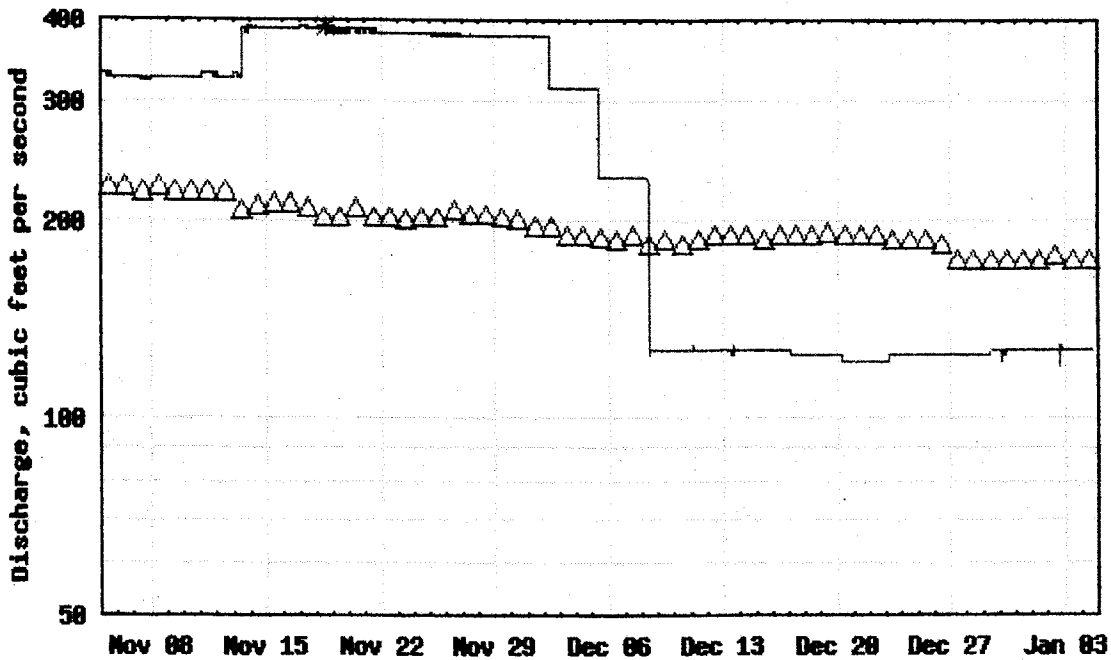
Water is the most valuable asset the state has and we cannot afford to waste it.

In our case water is being dumped into the rivers and aquifers are suffering. Water is not being conserved. Water needs to be conserved and this bill does not seem to do that.

Thank you for this opportunity to testify.



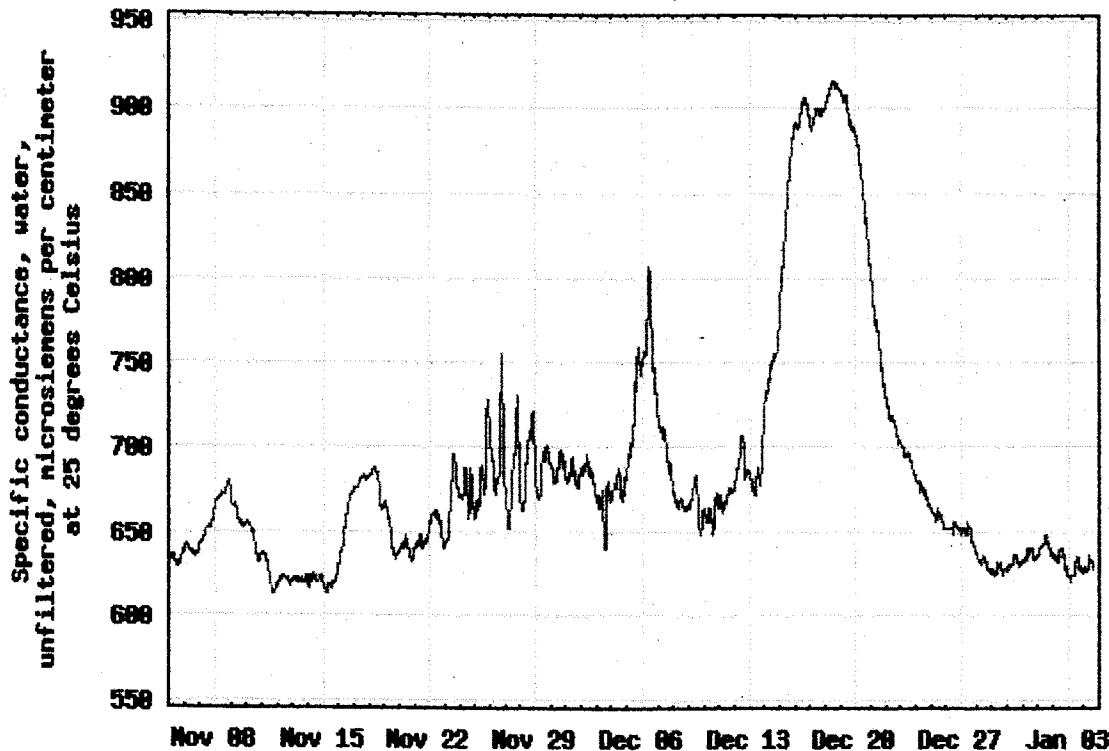
USGS 06307500 Tongue River at Tongue R Dam nr Decker MT



08-09



USGS 06306300 Tongue River at State Line nr Decker MT

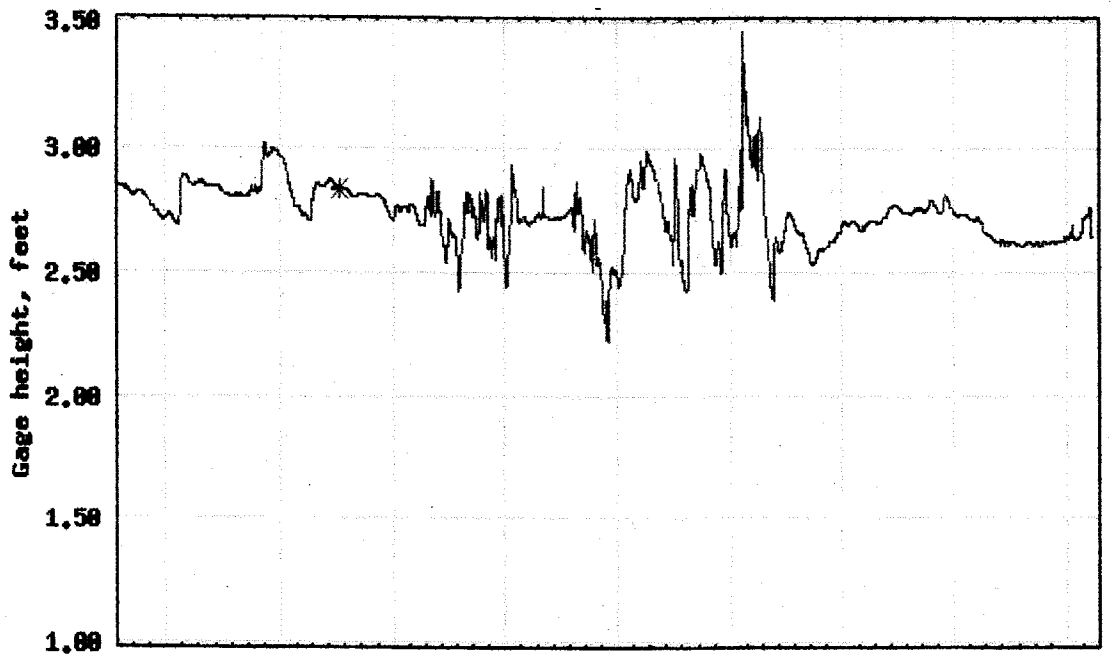


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USGS 06306300 Tongue River at State Line nr Decker MT



Nov 08 Nov 15 Nov 22 Nov 29 Dec 06 Dec 13 Dec 20 Dec 27 Jan 03

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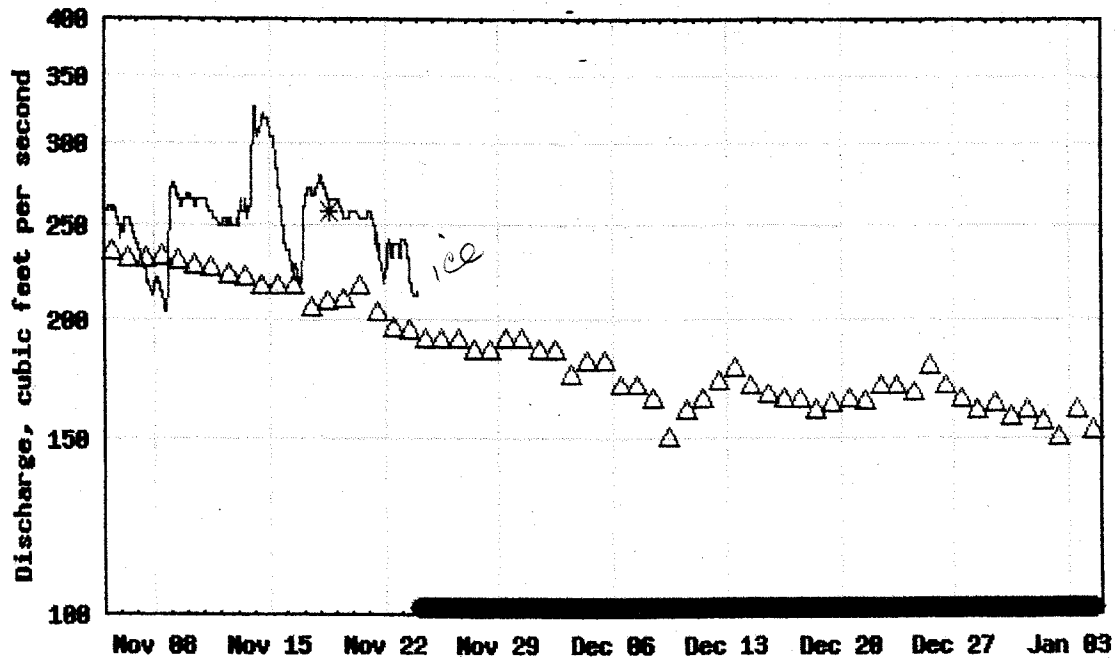
— Gage height

* Measured gage height

08-09



USGS 06306300 Tongue River at State Line nr Decker MT



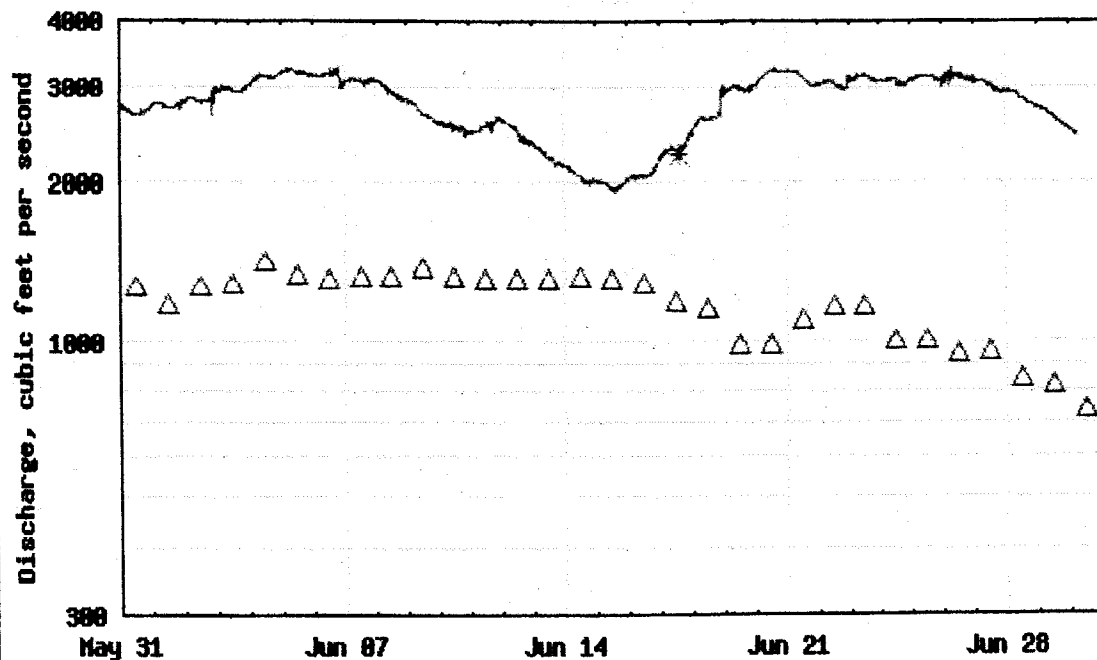
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△ Median daily statistic (48 years)
— Discharge

* Measured discharge 08-09
● Flow at station affected by ice

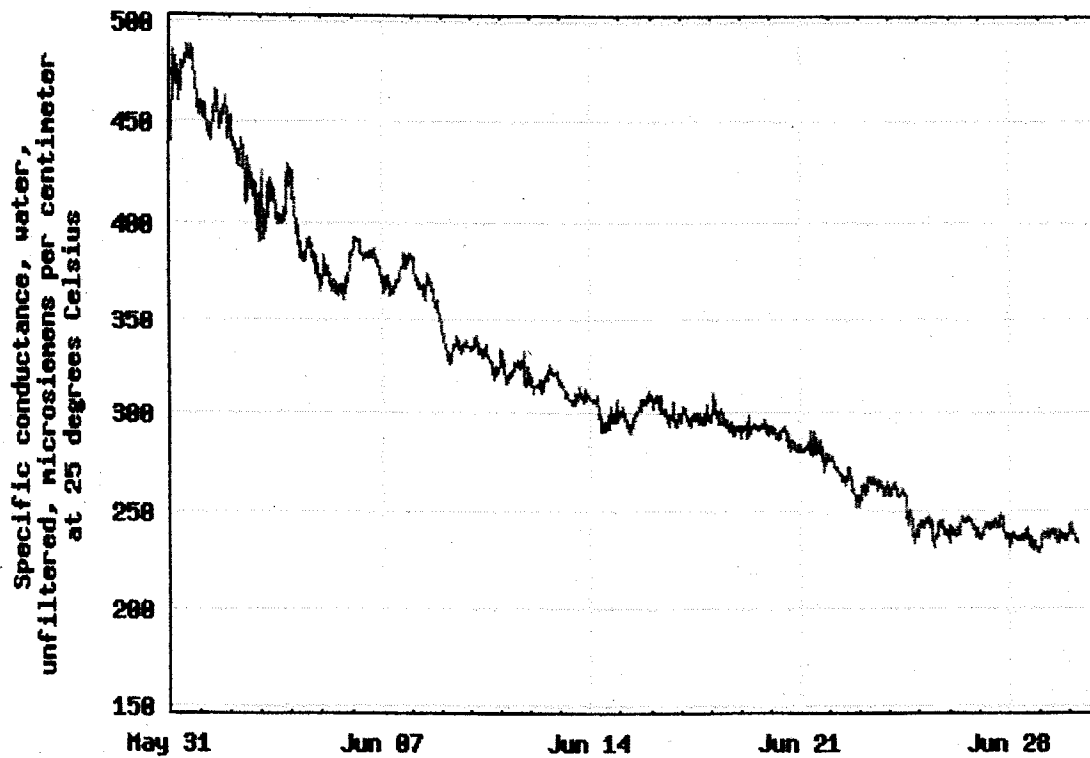


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